



# California Regulatory Notice Register

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**PROPOSED ACTION ON  
REGULATIONS**

*Information contained in this document is published as received from agencies and is not edited by Thomson West.*

**TITLE 14. NATURAL RESOURCES**

**NOTICE OF PROPOSED RULEMAKING**

<b>DIVISION 7.</b>	<b>CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD</b>
<b>CHAPTER 8.2.</b>	<b>ELECTRONIC WASTE RECOVERY AND RECYCLING</b>
<b>ARTICLE 1.</b>	<b>GENERAL</b>

**PROPOSED REGULATORY ACTION**

The California Integrated Waste Management Board (CIWMB) proposes to modify and finalize existing emergency regulations pertaining to the implementation of the Electronic Waste Recycling Act of 2003 (The Act), Title 14, California Code of Regulations (14 CCR), Division 7, Chapter 802, Article 1, commencing with section 18660.5.

The proposed regulations are intended to establish final regulations for the implementation of the Electronic Waste Recycling Act of 2003. The existing emergency regulations, which have been in effect since December 2004, will expire on December 13, 2006.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulations to the CIWMB. The written comment period for this rulemaking ends at 5:00 p.m. on May 8, 2006. The CIWMB will also accept written comments during the public hearing described below. Please submit your written comments to:

Alan Glabe  
California Integrated Waste Management Board  
Waste Prevention and Market Development  
Division  
P.O. Box 4025  
Sacramento, CA 95812-4025  
FAX: (916) 319-7448  
e-mail: [aglab@ciwmb.ca.gov](mailto:aglab@ciwmb.ca.gov)

**PUBLIC HEARING**

CIWMB staff will conduct a public hearing at the Joe Serna, Jr. Cal/EPA Building, 2<sup>nd</sup> Floor Coastal Hearing Room, 1001 I Street, Sacramento, CA on May 9, 2006. The hearing will begin at 10:00 a.m. and conclude after all testimony is given. The CIWMB requests that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing. The Coastal Hearing Room is wheelchair accessible.

**INFORMATIVE DIGEST**

The Integrated Waste Management Act [AB 939 (Sher), Stats. 1989, c. 1095] and Public Resources Code (PRC) Section 40000 et seq., provide for the protection of public health and safety and the environment through waste prevention, waste diversion, and safe waste processing and disposal. PRC Section 42475 requires the CIWMB to administer and enforce The Act in consultation with the Department of Toxic Substances Control. PRC Section 42475.2 allows the CIWMB to adopt regulations to implement The Act with emergency regulations. Regulations in California Code of Regulations, Title 14, Division 7, Chapter 8.2, Articles 1.0-5.0, Sections 18660.5 through 18660.43, set forth operating standards for the recycling of electronic waste.

The original Electronic Waste Recycling Act of 2003, enacted by SB 20, Chapter 526, Statutes of 2003 obligated the CIWMB to establish and disburse payments to collectors and recyclers to help cover their costs of electronic waste recovery and recycling. The emergency regulations adopted originally to implement SB 20 established a registration system for collectors and recyclers, payment system for the same entities, reporting requirements for manufacturers of covered electronic devices and the protection from disclosure of confidential and proprietary information submitted to the CIWMB by retailers, collectors, recyclers and manufacturers. SB 50, Chapter 863, Statutes of 2004 enacted several changes to the Act, which required the CIWMB to repeal the original regulations and adopt new emergency regulations that change the manufacturer notification requirements, definitions, recycling payment activities and the start date for both fee collection and recycling payment activities. Under the Act,

the CIWMB is authorized to develop emergency regulations to implement the electronic waste recycling program (Public Resources Code Section 42475.2(a) and (b)). The emergency regulations established in 2004 provide the process for the disbursement of payments to authorized e-waste recyclers who pass on payments to authorized e-waste collectors. They also provide the methods manufacturers may employ to get payments for take-back programs, and conditions for approved collectors to provide a cost-free collection opportunity.

The emergency regulations did not address covered electronic waste (CEWs) that result from illegal disposal or load checking. Under the 2004 version of the existing emergency regulations, CEWs (from California sources) that resulted from illegal disposal clean-up activities or from load check activities (source-anonymous CEWs) were not eligible for recycling and recovery payments. This situation had the potential to result in large amounts of source-anonymous CEWs being stockpiled. The emergency regulations were again modified and approved in December 2005. Besides addressing source-anonymous CEWs, the existing emergency regulation also sought to address other issues including approved collectors acting on behalf of local jurisdictions.

The proposed final regulations, which are to replace the existing emergency regulations, will add and revise definitions, expand the source-anonymous category, increase collector and recycler accountabilities and provide for payment rate adjustments through Board action.

#### **POLICY STATEMENT OVERVIEW**

The CIWMB has determined that the safe recycling of electronic waste is important to its overall goal of protecting the public health, safety and the environment. The CIWMB intends to develop regulations to implement the Electronic Waste Recycling Act of 2003 that will foster an effective and sustainable electronic waste recycling program. Such regulations should allow the greatest amount of eligible material to be processed within the program without jeopardizing the integrity of the program and should impose a minimal amount of burden on its participants.

#### **PLAIN ENGLISH REQUIREMENTS**

CIWMB staff prepared the proposed final regulations pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Section 11342.580 and 11346.2(a)(1). The proposed final regulations are considered non-technical and are written to be easily understood by those parties that will use them.

#### **AUTHORITY AND REFERENCES**

PRC Sections 42475(b), and 42475.2 provide authority for these regulations. The purpose of the proposed regulations is to implement, interpret, and make specific The Act.

#### **FEDERAL LAW OR REGULATIONS MANDATE**

Federal law or regulations do not contain comparable requirements.

#### **LOCAL MANDATE AND FISCAL DETERMINATIONS**

CIWMB staff has determined that the proposed regulations do not impose: 1) a mandate on local school districts; 2) significant costs or savings to any state agency; 3) costs to any local agency or school district that must be reimbursed in accordance with Government Code Sections 17500 through 17630; 4) other non-discretionary costs or savings on local agencies; or 5) costs or savings in federal funding to the state.

#### **EFFECT ON HOUSING COSTS**

CIWMB staff made an initial determination that the proposed regulations will not have a significant effect on housing costs.

#### **EFFECT ON BUSINESSES AND SMALL BUSINESSES**

CIWMB staff made an initial determination that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Neither will the proposed regulations have a significant, statewide adverse economic impact directly affecting small businesses. Asset recovery businesses that choose to participate in this program incur the required documentation costs. However, these costs are recovered from the recycling and recovery payments businesses receive from the CIWMB. Air Resources Board (ARB) staff in the Economic Studies Section analyzed the economic impact of the proposed action.

## EFFECT ON CREATION OR ELIMINATION OF JOBS, EXISTING OR NEW BUSINESS IN THE STATE OF CALIFORNIA

CIWMB staff has determined that the proposed regulatory action will promote: 1) the creation of jobs within the State of California; 2) the creation of new businesses within California; and 3) the expansion of businesses currently doing business within the state. The proposed regulations will not eliminate jobs or businesses in California, and will not affect the expansion of businesses currently doing business in California. Air Resources Board (ARB) staff in the Economic Studies Section analyzed the economic impact of the proposed action.

## COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The costs of the program are borne by California consumers, who pay a \$6, \$8, or \$10 fee when purchasing covered electronic devices (TV, CRT monitors LCD monitors, laptops, plasma screen TVs). It is estimated that the Board of Equalization has collected 60 million dollars in 2005. Asset recovery businesses that choose to participate in this program incur the required documentation costs. However, these costs are recovered from the recycling and recovery payments businesses receive from the CIWMB. Asset recovery businesses have been paid more than 16 million dollars through February 2006 for collecting and processing over 34 million pounds of CEWs.

## CONSIDERATION OF ALTERNATIVES

The CIWMB must determine that no reasonable alternative considered by the CIWMB or that has otherwise been identified and brought to the attention of the CIWMB would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action. The CIWMB invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

## CONTACT PERSONS

Inquiries concerning the proposed administrative action or the substance of the proposed regulations may be directed to:

Alan Glabe  
California Integrated Waste Management Board  
Waste Prevention and Market Development  
Division  
P.O. Box 4025  
Sacramento, CA 95812-4025  
(916) 341-6589  
FAX: (916) 319-7448  
e-mail: [aglabbe@ciwmb.ca.gov](mailto:aglabbe@ciwmb.ca.gov)

Back-up contact person to whom inquiries concerning the proposed administrative action may be directed:

Robert Conheim, Sr. Staff Counsel  
California Integrated Waste Management Board  
Legal Office  
P.O. Box 4025  
Sacramento, CA 95812-4025  
(916) 341-6076  
FAX: (916) 319-7279  
e-mail: [rconheim@ciwmb.ca.gov](mailto:rconheim@ciwmb.ca.gov)

## AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The CIWMB will have the entire rulemaking file, and all information upon which the proposed regulations are based, available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies may be obtained by contacting Alan Glabe at the address, e-mail, or telephone number listed above. For more timely access to the proposed text of the regulations, and in the interest of waste prevention, interested parties are encouraged to access the CIWMB's website at <http://www.ciwmb.ca.gov/Electronics/>.

Additionally, the Final Statement of Reasons will be available at the above listed Internet address or you may call the contact persons named above.

## AVAILABILITY OF CHANGED OR MODIFIED TEXT

The CIWMB may adopt the proposed regulations substantially as described in this notice. If the CIWMB makes modifications which are sufficiently related to the proposed text, it will make the modified text — with changes clearly indicated — available to the public for at least 15 days before the CIWMB adopts the regulations as revised. Requests for the modified text should be made to the contact person. The CIWMB will mail any modified text to all persons who testify at a public



hearing; all persons who submit written comments at a public hearing; all persons whose comments are received during the comment period; and all persons who request notification of the availability of such changes. The CIWMB will accept written comments on the modified regulations for 15 days after the date on which they are made available.

## TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

### NOTICE OF PROPOSED REGULATORY ACTION

#### AND PUBLIC HEARING CONCERNING INVOICE REQUIREMENTS; ITEMIZATION OF PRICES FOR PARTS AND SERVICES

**NOTICE IS HEREBY GIVEN** that the Department of Consumer Affairs/Bureau of Automotive Repair (hereinafter "Bureau") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at hearings to be held at the following locations on the following dates:

#### Southern California

**May 10, 2006, 10:00 a.m.**

Bureau of Automotive Repair  
1180 Durfee Avenue, Suite 120  
Conference/Training Room  
South El Monte, CA 91733

#### Northern California

**May 12, 2006, 10:00 a.m.**

Contractors State Licensing Board  
9821 Business Park Drive  
Hearing Room  
Sacramento, CA 95827

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be **received by the Bureau at its office not later than 5:00 p.m. on May 12, 2006**, or must be received by the Bureau at one of the above referenced hearings. **Comments sent to persons or addresses other than those specified under Contact Person, or received after the date and time specified above, regardless of the manner of transmission, will not be considered or included in the record of this proposed regulatory action.** The Bureau, upon its own motion or at the instance of any interested party, may thereafter formally adopt the proposals substan-

tially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the proposal.

### AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 137 and 9882 of the Business and Professions Code, and to implement, interpret or make specific Sections 9882, 9884.8, 9889.50 and 9889.52 of the Business and Professions Code and Sections 12000 and 12001 of the Vehicle Code, the Bureau is considering changes to Article 7 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed regulatory action will clarify and reinforce the current invoice itemization requirements applicable to automotive repair dealers (ARD). This will help to ensure that all consumers will have full and complete disclosure and itemization of all charges in their dealings with ARDs. This is not only consistent with the Bureau's principal mandate to protect the interests of the public, but is consistent with the spirit and intent of those provisions of the Automotive Repair Act<sup>1</sup> that relate to open disclosure and itemization in estimates, work orders and invoices. Furthermore, the proposed action is consistent with and will recognize the current standard of practice in the industry.

#### Background:

The Bureau was established within the California Department of Consumer Affairs (DCA) in 1972 with the enactment of the Automotive Repair Act. The Bureau was created by Chapter 1578, Statutes 1971 (Senate Bill 51, Beilenson), which mandated a statewide automotive repair consumer protection program. In the furtherance of its mandate, the Bureau administers statewide licensing and enforcement programs.

Through its statewide offices, the Bureau conducts consumer protection services related to the automotive repair and Smog Check programs. Bureau representatives register, license and regulate automotive repair dealers, lamp and brake stations and adjusters, and

<sup>1</sup> Chapter 20.3 (commencing with section 9880) of Division 3 of the Business and Professions Code.

Smog Check stations and technicians. The Bureau accepts and mediates complaints from the public, investigates violations of the Automotive Repair Act, Smog Check laws, and associated regulations. When appropriate, cases are referred to the Attorney General's office for administrative action, or to law enforcement authorities for civil or criminal prosecution. The Bureau shares the commitment of the DCA to ensure that consumers are provided information about licensees and registrants in a timely, fair and equitable manner.

For decades the Automotive Repair Act has required disclosure, authorization and documentation regarding estimates, revised estimates and invoices in order to decrease or prevent the occurrence of what was commonly called "the five o'clock surprise." Prior to enactment of the Automotive Repair Act, it was not uncommon for a customer to arrive at the automotive repair dealer, at or near closing time, to pick up their vehicle only to learn for the first time that a \$100 repair estimate had, for example, somehow increased to an \$800 repair bill. In these situations the consumer is at a distinct disadvantage — the shop has the car, the consumer needs it back. Generally, the only immediate solution to this problem was to pay the bill and try to work it out later. The statutes and regulations regarding estimates, revised estimates and invoices have provided the Bureau and the automotive repair industry, with the necessary tools to prevent "the five o'clock surprise" and/or assist consumers who may be victims of it.

#### **Specific Proposal:**

Although it is a common practice for the repair industry to include itemized prices for both parts and labor on their invoices, from time-to-time, consumer complaints will arise when an ARD chooses to deny a customer this information. When this happens, BAR staff finds it difficult to hold the ARD to this common industry trade practice, because current regulations do not expressly state that labor actions (service work) must be individually itemized. Further, current regulations do not expressly require that individual prices for each part or service be listed on the invoice. This results in the consumer being denied important information when an unscrupulous repair dealer has something to hide. This is an issue that has been around for a long while and should be addressed and clarified to resolve any confusion.

Business and Professions Code, Section 9884.8 currently states in part: "...*Service work and parts shall be listed separately on the invoice, which shall also state separately the subtotal prices for service work and for parts...*"

By stating that the "*service work and parts shall be listed separately*", there is a clear intent that this listing should include both a description and a price for both la-

bor actions and parts. By requiring that subtotal prices be also included, it is clear that itemized prices must have been used to arrive at the subtotals.

California Code of Regulations, section 3356 currently states in part "...*the invoice shall describe all service work done... and shall separately identify each part in such a manner that the customer can understand what was purchased,...*"

The regulation states that the parts must be separately identified on the invoice, but fails to expressly state that labor actions must be itemized, or that the price of each labor action and part must be included. An important part of knowing what was purchased must necessarily include the individual price for an item. While it is implied that individual prices must be included, it is important that this requirement be clearly and specifically stated.

Furthermore, in order to adequately identify a part "*in such a manner that the customer can understand what was purchased,*" one of the clearest and most descriptive methods is to include the brand name or comparable designation in the description for each part. The inclusion of this information, together with the information currently specified, should make it clear to the customer exactly what is being purchased.

The foundation of the Automotive Repair act is set on the concepts of full disclosure and informed authorization. This is the general theme that runs through most of the Bureau's regulations. The proposed action will clarify and reinforce this concept in the requirement to provide customers with itemized invoices.

#### **Current Regulation:**

Section 3356 of the California Code of Regulations, in its present form, provides that invoices shall include the registration number, business name, address and telephone number, as specified, of the ARD, and requires that all service work be described and parts used be separately identified, as specified. It requires that the customer be given a legible copy of the invoice and that the ARD shall retain a copy. It is further provided that the ARD may not make a separate charge for items listed as shop supplies or miscellaneous parts, or any part not listed on the invoice.

#### **Effect of Regulatory Action:**

This proposal makes minor clarifying changes to existing regulation by reorganizing the current provisions of Section 3356 of Title 16 of the California Code of Regulations, and applying the word "separately" to the description of both labor (service work) and parts, as provided in Section 9884.8 of the Business and Professions Code. The proposed changes will clarify the requirement to separately describe, and to separately itemize prices for, both parts and labor. All of the current invoice requirements for business identification,

distribution of copies and maintenance of records will be retained.

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

Nondiscretionary Costs/Savings to Local Agencies:

None.

Local Mandate:

None.

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement:

None.

Business Impact:

The Bureau has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:

The proposed action merely clarifies existing statutory requirements and the provisions of current regulation. In addition, the proposed action will recognize a current industry standard of practice adhered to by almost all automotive repair dealers. Therefore, the proposed action will not require the industry to do anything differently than they do now and there will be no impact from the changes to current regulation.

Impact on Jobs/New Businesses:

The Bureau has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Bureau is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs:

None.

#### EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations would affect small businesses.

#### CONSIDERATION OF ALTERNATIVES

The Bureau must determine that no reasonable alternative to the regulation would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The Bureau has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and of the statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Bureau of Automotive Repair at 10240 Systems Parkway, Sacramento, CA 95827.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND THE RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the named contact person, or by accessing the Web site listed below.

#### CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

James Allen, Regulations Analyst  
Bureau of Automotive Repair  
10240 Systems Parkway  
Sacramento, CA 95827  
Telephone: (916) 255-3460  
Fax No.: (916) 255-1369  
E-mail: jim\_allen@dca.ca.gov



The backup contact person is:

Debbie Romani, Staff Services Manager  
Bureau of Automotive Repair  
10240 Systems Parkway  
Sacramento, CA 95827  
Telephone: (916) 255-3460  
Fax No.: (916) 255-1369  
E-mail: [debbie\\_romani@dca.ca.gov](mailto:debbie_romani@dca.ca.gov)

#### WEB SITE ACCESS

Materials regarding this proposal can also be found on the Bureau's Web site at [www.autorepair.ca.gov](http://www.autorepair.ca.gov).

### TITLE 17. DEPARTMENT OF HEALTH SERVICES

**ACTION:** Notice of Proposed Rulemaking  
Title 17, California Code of Regulations  
**SUBJECT:** Exempt Radioactive Products,  
**R-05-008**

#### PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Health Services will conduct written public proceedings during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Radiation Control Law (Health & Saf. Code, §§ 114960 – 115273), requires the Department of Health Services (Department) to develop programs for licensing and regulating radioactive materials. (Health & Saf. Code, § 115000, subd. (b).) In 1962, the State of California ratified and approved the State entering into an agreement with the United States Atomic Energy Commission, the predecessor of the United States Nuclear Regulatory Commission (NRC), by which the federal agency discontinued its regulatory authority over certain radioactive materials. (Health & Saf. Code, § 115230.) By such action California became an "Agreement State."

A provision of the agreement between California and the NRC specifies that the State "will use its best efforts to maintain continuing compatibility between its program and the program of the [United States Atomic Energy] Commission for the regulation of like materials."

(Health & Saf. Code, § 115235, art. V.) NRC's stated policy is "to evaluate Agreement State programs established pursuant to Section 274 of the Atomic Energy Act of 1954, as amended, to ensure they are adequate to protect public health and safety and compatible with NRC's regulatory program." To determine a state's compatibility, the NRC uses Management Directive 5.9, *Adequacy and Compatibility of Agreement State Programs, Handbook 5.9*. This handbook describes the specific criteria and process that are used to clarify the NRC program elements that should be adopted and implemented by an Agreement State for purposes of compatibility, and those NRC program elements that have a particular health and safety significance. The NRC rates the elements on the degree of compatibility required. Thus, the NRC requires that some be adopted by the states in a form identical to the NRC's while adoption of others need not be identical but are required to meet the essential objective of the program element. (For NRC compatibility definitions, see Attachment 1.) The overall determination of adequacy and compatibility for an Agreement State is made pursuant to Management Directive 5.6, *The Integrated Materials Performance Evaluation Program (IMPEP)*. The NRC evaluates Agreement States every three to four years to determine if a state's radiation safety program meets the adequacy and compatibility criteria. If California fails to meet those criteria the NRC may revoke California's status as an Agreement State.

The NRC amends its regulations continuously, which affect the State's status as an Agreement State and the compatibility of State regulations with those of the NRC. To ensure compliance with the NRC agreement and compatibility of State regulations, this proposal addresses changes made to title 10, Code of Federal Regulations, Part 30, section 30.21 (10 CFR 30.21) by the NRC specified in 62 Fed.Reg. 63634 (Dec. 2, 1997).

NRC's 10 CFR 30.21 specifies that a person is exempt from obtaining a license to the extent that the person receives, possesses, uses, transfers, owns, or acquires capsules containing one microcurie of carbon-14 urea for in vivo diagnostic use for humans. This proposal addresses that exemption to ensure compatibility and adequacy with NRC. This proposal also amends existing sections as described below.

The regulations that implement, interpret and make specific the provisions of the Radiation Control Law are in title 17, California Code of Regulations, §§30100 through 30395. The statutory authority and reference citation numbers of sections being amended are changed to reflect the numbering system implemented by the 1995 recodification of the Health and Safety Code resulting in a nonsubstantial change pursuant to title 1, California Code of Regulations, §100.

The Department proposes to:

Amend **Section 30180, Exempt Persons, Products, Concentrations and Quantities**, to correct terminology usage, adopt the prohibition of commercial distribution of certain materials to ensure compatibility with 10 CFR 30.18, and to ensure compatibility with NRC's changes in 10 CFR 30.21. (62 Fed.Reg. 63634 (Dec. 2, 1997).

Amend **Section 30235, Schedule A, Exempt Quantities**, to reflect the 1995 recodification of the Health and Safety Code resulting in a nonsubstantial change.

Amend **Section 30237, Schedule C**, to correct isotope and concentration unit abbreviations and capitalization errors and to reflect the 1995 recodification of the Health and Safety Code resulting in a nonsubstantial change.

#### AUTHORITY

Sections 100275 and 115000, Health and Safety Code.

#### REFERENCE

Sections 114965, 114970, 115000, 115060, 115165, 115230 and 115235, Health and Safety Code.

#### COMMENTS

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5 p.m. on May 8, 2006, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD. Written comments may be submitted as follows:

1. By mail or hand-delivered to the Office of Regulations, Department of Health Services, MS 0015, 1501 Capitol Avenue, P.O. Box 997413, Sacramento, CA 95899-7413. It is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate; or
2. By fax transmission: (916) 440-7714; or
3. By email to [regulation@dhs.ca.gov](mailto:regulation@dhs.ca.gov) (it is requested that email transmissions of comments, particularly those with attachments, contain the regulation package identifier "R-05-008" in the subject line to facilitate timely identification and review of the comment), or

4. By using the "Making Comments on DHS Regulations" link on the Department website at <http://www.applications.dhs.ca.gov/regulations/>.

All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

#### INQUIRIES

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Phillip Scott of Radiation Health Branch at (916) 440-7978.

All other inquiries concerning the action described in this notice may be directed to Cathy Ruebusch of the Office of Regulations at (916) 440-7841, or to the designated backup contact person, Charles Smith, at (916) 440-7693.

#### CONTACTS

**In any inquiries or written comments, please identify the action by using the Department regulation package identifier, R-05-008.**

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file). In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the Internet may be accessed at <http://www.applications.dhs.ca.gov/regulations/> and then clicking on the "Select DHS regulations" button.

In order to request a copy of this public notice, the regulation text, and the initial statement of reasons be mailed to you, please call (916) 440-7695 (or California Relay at 711/1-800-735-2929), or email [regulation@dhs.ca.gov](mailto:regulation@dhs.ca.gov), or write to the Office of Regulations at the address noted above. Upon specific request, these documents will be made available in Braille, large print, and audiocassette or computer disk.

AVAILABILITY OF CHANGED OR MODIFIED  
TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: None.
- B. Fiscal Effect on State Government: None.
- C. Fiscal Effect on Federal Funding of State Programs: None.
- D. All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

DETERMINATIONS

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the regulations would not have a significant state-wide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Department has determined that the regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the regulations would affect small business because they will be legally required to comply with the regulation and may incur a detriment from the enforcement of the regulation.

The Department has determined that the regulations will have no impact on housing costs.

ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.5(a)(13) the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

No hearing has been scheduled; however any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

For individuals with disabilities, the Department will provide assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of public hearing materials into Braille, large print, audiocassette, or computer disk. To request such services or copies in an alternate format, please call or write: Linda Tutor, Office of Regulations, MS 0015, P.O. Box 997413, Sacramento, CA 95899-7413, voice (916) 440-7697, and/or California Relay 711/1-800-735-2929. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

**TITLE 17. DEPARTMENT OF HEALTH  
SERVICES**

**ACTION:** Notice of Proposed Rulemaking  
Title 17, California Code of Regulations

**SUBJECT:** Standards for Protection Against  
Radiation, **R-05-007**

PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Health Services will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

The Radiation Control Law (Health & Safety Code, §§ 114960 – 115273) requires the Department of Health Services (Department) to develop programs for



licensing and regulating radioactive materials. (Health & Safety Code, § 115000, subdivision (b).) In 1962, the State of California ratified and approved the State entering into an agreement with the United States Atomic Energy Commission, the predecessor of the United States Nuclear Regulatory Commission (NRC), by which the federal agency discontinued its regulatory authority over certain radioactive materials. (Health & Safety Code, § 115230.) By such action California became an "Agreement State."

A provision of the agreement between California and the NRC specifies that the State "will use its best efforts to maintain continuing compatibility between its program and the program of the [United States Atomic Energy] Commission for the regulation of like materials." (Health & Safety Code, § 115235, art. V.) NRC's stated policy is "to evaluate Agreement State programs established pursuant to Section 274 of the Atomic Energy Act of 1954, as amended, to ensure they are adequate to protect public health and safety and compatible with NRC's regulatory program." To determine a state's compatibility, the NRC uses Management Directive 5.9, *Adequacy and Compatibility of Agreement State Programs, Handbook 5.9*. This handbook describes the specific criteria and process that are used to clarify the NRC program elements that should be adopted and implemented by an Agreement State for purposes of compatibility, and those NRC program elements that have a particular health and safety significance. The NRC rates the elements on the degree of compatibility required. Thus, the NRC requires that some be adopted by the states in a form identical to the NRC's while adoption of others need not be identical but are required to meet the essential objective of the program element. The overall determination of adequacy and compatibility for an Agreement State is made pursuant to Management Directive 5.6, *The Integrated Materials Performance Evaluation Program (IMPEP)*. The NRC evaluates Agreement States every three to four years to determine if a state's radiation safety program meets the adequacy and compatibility criteria. If California fails to meet those criteria the NRC may revoke California's status as an Agreement State.

The NRC amends its regulations continuously, which affect the State's status as an Agreement State and the compatibility of State regulations with those of the NRC. To ensure compliance with the NRC agreement and compatibility of State regulations, this proposal addresses changes made by the NRC to title 10, Code of Federal Regulations, Part 20, specified in the following federal registers:

64 Fed.Reg. 54543 (Oct. 7, 1999)  
64 Fed.Reg. 55524 (Oct. 13, 1999)  
67 Fed.Reg. 16298 (Apr. 5, 2002)

67 Fed.Reg. 20249 (Apr. 24, 2002)

68 Fed.Reg. 14307 (Mar. 25, 2003)

The statutory authority and reference citation numbers of sections being amended are changed to reflect the numbering system implemented by the 1995 recodification of the Health and Safety Code resulting in a nonsubstantial change pursuant to title 1, California Code of Regulations, §100.

Alternatives have been considered in those areas not subject to or specifically limited by the adequacy and compatibility criteria under the State of California agreement with the United States Atomic Energy Commission, the predecessor to the United States Nuclear Regulatory Commission (Health & Saf. Code, § 115230). According to the agreement, the state is to use its "best efforts to maintain continuing compatibility between its program and the program of the [United States Atomic Energy] Commission for the regulation of like materials..." (Health & Saf. Code, § 115235, art. V).

The regulations that implement, interpret and make specific the provisions of the Radiation Control Law are in title 17, California Code of Regulations, §§30100 through 30395. The changes to existing state regulations are explained as follows:

**Section 30100(a), General Definitions**, is amended to clarify the placement of the Radiation Control Law (RCL) within the Health and Safety Code because current language fails to specify the Division in which the RCL is found and is therefore an incomplete citation for the purposes of reference.

**Section 30253, Standards for Protection Against Radiation**, is proposed to be amended to achieve compatibility with the updated NRC radiation protection standards. The January 1, 2005 publication of Title 10, Code of Federal Regulations, Part 20 is incorporated by reference with exceptions. Nonsubstantial changes are made to existing language to reduce complexity in the current regulation text for clarity.

#### AUTHORITY

Sections 100275 and 115000, Health and Safety Code.

#### REFERENCE

Sections 114960, 114965, 114970, 114985, 114990, 115060, 115105, 115110, 115120, 115165, 115230 and 115235, Health and Safety Code.

#### COMMENTS

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5 p.m. on May



8, 2006, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD. Written comments may be submitted as follows:

1. By mail or hand-delivered to the Office of Regulations, Department of Health Services, MS 0015, 1501 Capitol Avenue, P.O. Box 997413, Sacramento, CA 95899-7413. It is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate; or
2. By fax transmission: (916) 440-7714; or
3. By email to [regulation@dhs.ca.gov](mailto:regulation@dhs.ca.gov) (it is requested that email transmissions of comments, particularly those with attachments, contain the regulation package identifier "R-05-007" in the subject line to facilitate timely identification and review of the comment), or
4. By using the "Making Comments on DHS Regulations" link on the Department website at <http://www.applications.dhs.ca.gov/regulations/>.

All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

### INQUIRIES

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Phillip Scott of Radiation Health Branch at (916) 440-7978.

All other inquiries concerning the action described in this notice may be directed to Cathy Ruebusch of the Office of Regulations at (916) 440-7841, or to the designated backup contact person, Charles Smith, at (916) 440-7693.

### CONTACTS

**In any inquiries or written comments, please identify the action by using the Department regulation package identifier, R-05-007.**

### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file). In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

Materials regarding the action described in this notice (including this public notice, the regulation text, and the initial statement of reasons) that are available via the Internet may be accessed at <http://www.applications.dhs.gov/regulations/> and then clicking on the "Select DHS regulations" button.

In order to request a copy of this public notice, the regulation text, and the initial statement of reasons be mailed to you, please call (916) 440-7695 (or California Relay at 711/1-800-735-2929), or email [regulation@dhs.ca.gov](mailto:regulation@dhs.ca.gov), or write to the Office of Regulations at the address noted above. Upon specific request, these documents will be made available in Braille, large print, and audiocassette or computer disk.

### AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

### FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: It has been determined that no fiscal impact will occur because proposed changes reduce some reporting requirements but redirect those efforts to safety concerns and clarify existing provisions.
- B. Fiscal Effect on State Government: It has been determined that no fiscal impact will occur because proposed changes reduce some reporting requirements but redirect those efforts to safety concerns and clarify existing provisions.
- C. Fiscal Effect on Federal Funding of State Programs: None.

- D. All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None

#### DETERMINATIONS

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the regulations would not have a significant state-wide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The Department has determined that the regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the regulations would affect small business.

The Department has determined that the regulations will have no impact on housing costs.

#### ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.5(a)(13) the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

No hearing has been scheduled; however any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

For individuals with disabilities, the Department will provide assistive services such as sign-language inter-

pretation, real-time captioning, note takers, reading or writing assistance, and conversion of public hearing materials into Braille, large print, audiocassette, or computer disk. To request such services or copies in an alternate format, please call or write: Linda Tutor, Office of Regulations, MS 0015, P.O. Box 997413, Sacramento, CA 95899-7413, voice (916) 440-7697 and/or California Relay 711/1-800-735-2929. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

### TITLE 23. STATE WATER RESOURCES CONTROL BOARD

#### NOTICE OF INTENTION TO AMEND A CONFLICT OF INTEREST CODE

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board intends to amend its Conflict of Interest Code pursuant to Government Code sections 87300-87302 and 87306. These amendments are limited to the designated employees list in the Appendix to the code. The amendments will designate additional positions and rename positions held by employees who must disclose certain investments, income, interests in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests. The amendments will also delete positions that no longer exist.

A written comment period has been established commencing on March 24, 2006, and terminating on May 24, 2006. Any interested person may present written comments concerning the proposed code amendment no later than May 24, 2006, to the State Water Resources Control Board, Office of Chief Counsel, 1001 I Street, Sacramento, CA 95814, Attention: Marleigh Wood. No public hearing on this matter will be held unless any interested person or his or her representative requests, no later than 15 days prior to the close of the written comment period, a public hearing.

The State Water Resources Control Board has prepared a written explanation of the reasons for the designations and the disclosure responsibilities and has available all of the information upon which its proposed amendments are based.

Copies of the proposed code amendments and all of the information upon which they are based may be obtained from Marleigh Wood, State Water Resources Control Board, Office of Chief Counsel, 1001 I Street, Sacramento, CA 95814. Any inquires concerning the proposed code amendments should be directed to Marleigh Wood at (916) 341-5169.

The State Water Resources Control Board must determine that no alternative considered by the agency

would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The adoption of the proposed amendment will not impose a cost or savings on any state agency, local agency, or school district that is required to be reimbursed under Part 7 (commencing with § 17500) or Division 4 of the Government Code; will not result in any nondiscretionary cost or savings to local agencies; will not result in any cost or savings in federal funding to the state; will not impose a mandate on local agencies or school districts; and will not have any potential cost impact on private persons or businesses including small businesses.

## GENERAL PUBLIC INTEREST

### DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public  
Interest Notice

For Publication March 24, 2006  
CESA CONSISTENCY DETERMINATION FOR  
Kern County Waste Facilities Habitat  
Conservation Plan  
Kern County

The Department of Fish and Game (Department) received notice on February 27, 2006 that the Kern County Waste Management Department (KCWMD) proposes to rely on its consultation with the U.S. Fish and Wildlife Service (Service) to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). The project is the development, operation, and maintenance of 14 waste facility sites throughout Kern County, California. The Project will impact approximately 1151.7 acres of habitat for Tipton kangaroo rat, San Joaquin kit fox, blunt-nosed leopard lizard, giant kangaroo rat, desert tortoise, and San Joaquin antelope squirrel.

On October 24, 1997, the Service issued KCWMD an Incidental Take Permit (PRT-830963) which authorizes incidental take of the federally and state listed San Joaquin kit fox (*Vulpes macrotis mutica*), Tipton kangaroo rat (*Dipodomys nitratooides nitratooides*), giant kangaroo rat (*Dipodomys ingens*), blunt-nosed leopard lizard (*Gambelia silus*), desert tortoise (*Gopherus agassizii*), and the state listed San Joaquin antelope squirrel (*Ammospermophilus nelsoni*). The Incidental Take Permit requires KCWMD to implement a Habitat Con-

servation Plan that the Service approved in October 1997.

Pursuant to California Fish and Game Code Section 2080.1, KCWMD is requesting a determination that Incidental Take Permit PRT-830963, which requires KCWMD to fully implement the Habitat Conservation Plan, is consistent with the requirements of CESA. If the Department determines that the Incidental Take Permit is consistent with CESA, KCWMD will not be required to obtain a separate permit under CESA (Fish and Game Code Section 2081(b)) for the proposed project.

### DEPARTMENT OF FISH AND GAME

Department of Fish and Game — Public  
Interest Notice

For Publication March 13, 2006  
PROPOSED RESEARCH ON FULLY  
PROTECTED SPECIES

Monitoring California Least Tern Nesting Colonies  
and Light-footed Clapper Rails in California

The Department of Fish and Game ("Department") received a proposal on January , from Mr. Kevin B. Clark, San Diego, requesting authorization to take California Least Terns (*Sterna antillarum browni*) and Light-footed Clapper Rails (*Rallus longirostris levipes*), both Fully Protected Birds, for research purposes, consistent with the protection and recovery of these species.

The applicant is in the process of obtaining the required Scientific Collecting Permits (SCP) to take protected species of wildlife. Permit conditions require that the holder of an SCP obtain special authorization from DFG for research on Fully Protected species. The proposed activities include approaching Least Tern nesting areas to gather necessary data used in monitoring nesting status and identifying threats from humans and predators. Data would be collected by observation; handling live Least Tern adults, chicks, eggs, or nest sites will also be authorized. Light-footed Clapper Rails will be approached in their nesting habitats but will not be handled. DFG intends to issue, under specified conditions, a Memorandum of Understanding (MOU) that would authorize the applicant to carry out the proposed activities. As these birds are also federally-listed endangered species, applicants are required to possess a valid Federal Threatened and Endangered Species permit.

Pursuant to California Fish and Game Code (FGC) Section 3511(a)(1), the Department may authorize take of Fully Protected Birds after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that

the proposed research is consistent with the requirements of FGC Section 3511 for take of Fully Protected Birds, it would issue the authorization on or after April 13, 2006, for a term of three years. Contact: Habitat Conservation Planning Branch, 1416 Ninth Street, Sacramento, CA 95814, Attn.: Dale Steele.

## DEPARTMENT OF FISH AND GAME

### CONSISTENCY DETERMINATION Fish and Game Code Section 2080.1 Tracking Number 2080–2006–003–07

PROJECT: Humboldt Bay Harbor, Recreation, and Conservation District's Woodley Island Marina Maintenance Dredging Project

LOCATION: Eureka, Humboldt County

NOTIFIER: Humboldt Bay Harbor, Recreation, and Conservation District, Eureka

### BACKGROUND

The Humboldt Bay Harbor, Recreation, and Conservation District ("Harbor District") is proposing to maintain dredge approximately 120,000 cubic yards of material from the Woodley Island Marina boat basin in Humboldt Bay. To perform the maintenance dredging, the Harbor District will use a hollow suction pipe containing a rotating cutterhead that will rotate and loosen the sediment at the bottom of the bay. The sediment will be drawn directly up the suction pipe to the surface, mixed with water, and pumped through a semi-flexible disposal pipeline, assisted by land-based booster pumps, for pipeline transfer across Humboldt Bay and the Samoa dunes to a disposal area in the surf zone of the Samoa Peninsula. In order to purge the pipeline of any accumulated sediment, the cutter head will be lifted off the bottom twice per day and water from the water column will be drawn into the cutter head for approximately twenty minutes.

It is anticipated that the dredging project will result in the incidental take of juvenile Southern Oregon/Northern California Coast ("SONCC") coho salmon (*Oncorhynchus kisutch*). SONCC coho salmon is listed as threatened under both the federal Endangered Species Act ("ESA") (16 U.S.C. § 1531 *et seq.*) and the California Endangered Species Act ("CESA") (Fish & G. Code, § 2050 *et seq.*). Take of juvenile SONCC coho salmon would occur by capture or kill during the suc-

tioning of water from the water column during pipeline purging. Potential indirect impacts from the dredging project include the following: (1) reduced visibility of prey within the 1,000-foot by 1,500-foot dredge plume in the Woodley Island Marina; (2) localized reduction in abundance of Pacific herring larvae in the Woodley Island Marina; and (3) increased time to encounter prey outside of the dredge plume, in combination with less than optimal foraging conditions. Those indirect impacts would result in habitat modification or degradation, which in turn could affect essential SONCC coho behavioral patterns including rearing, migrating, feeding, or sheltering.

Because the dredging project has the potential to take species listed under the ESA, the U.S. Army Corps of Engineers ("Corps") consulted with the National Oceanic and Atmospheric Administration National Marine Fisheries Service ("NMFS"). On December 6, 2005, NMFS issued to the Corps a "no jeopardy" biological opinion (151422SWR2004AR9177), which describes the dredging project and sets forth measures to minimize impacts to SONCC coho salmon and coho habitat in the vicinity of the dredging project. NMFS also included in the biological opinion a conservation recommendation that the Corps work with local, state, and federal agencies to identify potential habitat restoration opportunities ("conservation recommendation"). Consistent with that recommendation, on February 24, 2006, the Harbor District contributed \$15,000 to the Rocky Gulch Salmonid Access and Habitat Restoration Project. On February 10, 2006, the Director of the Department of Fish and Game ("Department") received a notice from the Harbor District requesting a determination that the biological opinion is consistent with CESA, pursuant to Fish and Game Code section 2080.1.

### DETERMINATION

The Department has determined that the biological opinion is consistent with CESA. The mitigation measures in the biological opinion and the conservation recommendation as implemented by the Harbor District meet the conditions set forth in Fish and Game Code section 2081, subparagraphs (b) and (c), for Department authorization of incidental take of CESA-listed species. Specifically, the Department finds that the take of SONCC coho salmon will be incidental to an otherwise lawful activity (i.e., maintenance dredging of Woodley Island Marina), the implementation of the mitigation measures identified in the biological opinion as well as the conservation recommendation will minimize and fully mitigate the impacts of the authorized take on SONCC coho salmon, and the dredging project will not jeopardize the continued existence of the spe-



cies. The conservation recommendation is described above. The mitigation measures include, but are not limited to, requirements that the Harbor District:

1. Minimize the effect of the dredging project on entrainment of juvenile SONCC coho salmon by conducting dredging activities only between November 1 and March 31.
2. Minimize the effect of the dredging project on entrainment of juvenile SONCC coho salmon by ensuring that the cutterhead suction dredge shall be no more than 3 feet from the substrate during purging of the pipeline; and the cutterhead suction dredge shall not pump water during its descent prior to the beginning of dredging, or during ascent while moving between adjacent locations, especially within Woodley Island Marina.
3. Ensure the plume of suspended sediment greater than 200 mg/l is confined to a 1,000-foot by 1,500-foot area in the immediate vicinity of the dredge, and the duration of the plume shall not exceed 3.5 days. Turbidity shall be measured at one location within Woodley Island Marina according to requirements set forth in the biological opinion. A monitoring report shall be provided to NMFS within 60 days of completion of the dredging project.
4. Minimize the suspension of sediments associated with any leak or pipeline break by having repair and spill response equipment and materials readily accessible; by notifying NMFS by telephone with 24 hours of any leak or break; and by providing a report of all events to NMFS within 60 days of completion of the dredging project.

Pursuant to Fish and Game Code section 2080.1, with this consistency determination the Harbor District does not need to obtain authorization from the Department under CESA for take of SONCC coho salmon that occurs in carrying out the dredging project, provided the Harbor District complies with the mitigation measures and other conditions described in the biological opinion. However, if the project as described in the opinion, including the mitigation measures therein, changes after the date of the opinion, or if NMFS amends or replaces that opinion, the Harbor District will need to obtain from the Department a new consistency determination (in accordance with Fish and Game Code section 2080.1) or a separate incidental take permit (in accordance with Fish and Game Code section 2081).

## DEPARTMENT OF INSURANCE

### STATE OF CALIFORNIA DEPARTMENT OF INSURANCE

45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, California 94105

### NOTICE OF PUBLIC HEARING DATE CHANGE

#### SUBCHAPTER 4.75. Homeowners Insurance Rates and Underwriting.

#### Article 1. Experience Rating in Residential Property Lines of Insurance

File No. RH06050472

Date: March 10, 2006

#### NOTICE OF THE CHANGED DATE FOR THE PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE NEW SECTION 2636 ENTITLED HOMEOWNERS INSURANCE RATES AND UNDERWRITING

By notice dated January 31, 2006, and published in the February 10, 2006, California Notice Register, Register 2006, No. 6-Z, the Department of Insurance announced it would conduct a public hearing to consider adoption of a regulation to prohibit rate increases without corresponding increases in loss experience, to provide guidance with respect to the conditions under which insurers can impose surcharges on a premium for residential homeowners insurance policies and to provide guidance with respect to loss data that may or may not be permitted to form the basis of surcharged rates.

The hearing was scheduled as follows:

**March 28, 2006**

**10:00 a.m.**

**45 Fremont St. 22nd Floor Hearing Room  
San Francisco CA 94105**

#### PLEASE BE ADVISED THAT THE HEARING DATE HAS BEEN CHANGED. THE NEW HEARING DATE WILL BE AS FOLLOWS:

**April 13, 2006**

**10:00 a.m.**

**45 Fremont St. 22nd Floor Hearing Room  
San Francisco CA 94105**

Questions regarding the new hearing date should be addressed to:

Donald Hilla, Senior Staff Counsel  
California Department of Insurance  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
Telephone: (415) 538-4108

If the contact person is unavailable, inquiries may be sent to the backup contact person:

Lara Sweat, Staff Counsel  
California Department of Insurance  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
Telephone: (415) 538-4192

## **SUMMARY OF REGULATORY ACTIONS**

### **REGULATIONS FILED WITH SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

#### **BOARD OF OPTOMETRY Prescription Release**

California requires a consumer notice advising consumers that they are entitled to their eyeglass prescription. Currently it also states that release of a contact lens prescription is at the discretion of the optometrist. In 2003 California passed a statute requiring the release of a contact lens prescription with some limitations. In 2004 HR 3140, the Fairness to Contact Lens Consumer Act was enacted. This federal Act requires the release of a consumer's contact lens prescription upon completion of the fitting process. The federal statute requires the release of a contact prescription with no limitations and preempts any state law that is more restrictive. (16 CFR 315.11 spells this out — see below) This rulemaking updates 16 CCR 1566 to make it clear that optometrists must release both spectacle prescriptions and contact lens prescriptions following either an exam or a fitting. 16 CCR 1566.1 is also being amended to correct the title of the consumer notice and to correct the physical address, email address and internet address for the Board of Optometry.

Title 16  
California Code of Regulations  
AMEND: 1566, 1566.1  
Filed 03/10/06  
Effective 04/09/06  
Agency Contact: Rex Farmer (916) 322-0961

#### **BOARD OF OPTOMETRY Advertising Services**

This Section 100 of Title 1 of the California Code of Regulations filing repeals section 1515 which currently states that "Advertising in violation of Section 651, 651.3 or 17500 of the Code constitutes cause to revoke or suspend the certificate of registration."

Title 16  
California Code of Regulations  
REPEAL: 1515  
Filed 03/13/06  
Effective 03/13/06  
Agency Contact: Rex Farmer (916) 322-0961

#### **BOARD OF OPTOMETRY Examination Results**

This section 100 of Title 1 of the California Code of Regulations filing repeals section 1530 which states that "Each applicant for licensure must obtain a passing score of at least 75% in each of the required examination sections listed in Section 1531."

Title 16  
California Code of Regulations  
REPEAL: 1530  
Filed 03/14/06  
Effective 03/14/06  
Agency Contact: Rex Farmer (916) 322-0961

#### **BUREAU OF AUTOMOTIVE REPAIR Official Automotive Repair Dealer's Sign**

The regulatory action deals with the display and specifications for the Automotive Repair Dealer's sign.

Title 16  
California Code of Regulations  
AMEND: 3351.3 and 3351.4  
Filed 03/09/06  
Effective 04/08/06  
Agency Contact: James Allen (916) 255-4300

#### **DENTAL BOARD OF CALIFORNIA Application for Dental Licensure by Western Regional Examining Board**

This regulatory action is to establish new provisions for licensure for the practice of dentistry in California. Previously, the only way that a dental licensure candidate could qualify to practice dentistry in California was to pass a clinical examination developed and administered by the Board. The major component of this new law is that, effective January 1, 2005, dental licensure candidates can also qualify to practice dentistry in California if they pass the Western Regional Examining Board (WREB) exam.

Title 16  
California Code of Regulations  
ADOPT: 1034.1 AMEND: 1021, 1028, 1034  
Filed 03/13/06  
Effective 03/13/06  
Agency Contact: Donna Kantner (916) 263-2300

#### DEPARTMENT OF INSURANCE

##### Earthquake Policies, Coverage Types and Limits

This emergency file allows California Earthquake Authority to offer optional coverage limits. These would include a 10% deductible amount as opposed to the standard 15% deductible and various options to purchase increased coverage limits for personal property coverage and loss of use coverage.

Title 10  
California Code of Regulations  
AMEND: 2697.6  
Filed 03/09/06  
Effective 03/09/06  
Agency Contact:  
Lisbeth Landsman-Smith (916) 492-3561

#### DEPARTMENT OF JUSTICE

##### International Student Exchange Registry

The Department of Justice has been given specific authorization to adopt regulations regarding supervision of international student exchange visitor placement organizations. This rulemaking is an amendment to Title 11, CCR Sections 351, 357, 371, 376, 377, 378, and 380. Most of the amendments are non-substantive in nature. This amendment includes an update on the contact information listed in the CCR for DOJ. Additionally this program was under the auspices of the United State Information Agency (USIA), but in 1999 this agency was abolished and absorbed into the U.S. Department of State so this amendment also corrects any mention of the USIA. DOJ also clarifies that prior to being registered under this program, nonprofit organizations must first comply with the requirement in Government Code Section 12580 et seq. which is "the Supervision of Trustees and Fundraisers for Charitable Purposes Act." The final amendment in this package is to clarify that organizations registered for this program must renew their registrations with the Attorney General by January 15. If an organization registers after this date their registration expires on January 14th of the following year.

Title 11  
California Code of Regulations  
AMEND: 351, 357, 371, 376, 377, 378, 380  
Filed 03/15/06

Effective 04/14/06  
Agency Contact: Jeffery M. Ogata (916) 327-6820

#### DIVISION OF WORKERS COMPENSATION

##### Workers' Compensation — Predesignation of Personal Physician

In this regulatory action, the Division of Workers' Compensation adopts, amends and repeals regulations in the area of workers' compensation pertaining to employees predesignating personal physicians and requesting changes of physicians.

Title 8  
California Code of Regulations  
ADOPT: 9783.1 AMEND: 9780, 9780.1, 9781, 9782, 9783 REPEAL: 9780.2, 9784  
Filed 03/14/06  
Effective 03/14/06  
Agency Contact: Destie Overpeck (415) 703-4659

#### OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

##### Column Stability for Structural Steel Erection

The regulatory action deals with column stability for structural steel erection. It provides an exception to section 1710(f)(1)(A). The exception permits the guying or bracing of columns when such guying or bracing provides the strength and stability required of steel columns anchored by a minimum of 4 anchor bolts.

Title 8  
California Code of Regulations  
AMEND: 1710(f)  
Filed 03/15/06  
Effective 04/14/06  
Agency Contact: Marley Hart (916) 274-5721

#### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

##### Methods of Detection and Analysis, Safe Drinking Water and Toxic Enforcement of Act of 1986 (Prop. 65)

This action adopts a "safe harbor" affirmative defense to Proposition 65 enforcement actions based upon specified methods of detection and analysis.

Title 22  
California Code of Regulations  
ADOPT: 12900  
Filed 03/09/06  
Effective 04/08/06  
Agency Contact: Cynthia Oshita (916) 322-2068

#### PHYSICAL THERAPY BOARD OF CALIFORNIA Physical Therapy Citation and Fine

The regulatory action deals with administrative citations.

Title 16  
California Code of Regulations  
ADOPT: 1399.25  
Filed 03/13/06  
Effective 04/12/06  
Agency Contact:  
Mike McCormick (916) 561-8280

**STATE ALLOCATION BOARD**

Leroy F. Greene School Facilities Act of 1998, FRP and DMP

This action adopts and amends regulations necessary for the administration of grants to school districts for the construction of new small high schools and for the reconfiguration of large high schools into two or more small high schools.

Title 2  
California Code of Regulations  
ADOPT: 1859.70.3, 1859.71.5, 1859.78.9, 1859.93.2, 1859.93.3 AMEND: 1859.2, 1859.61, 1859.74, 1859.77.1, 1859.79, 1859.79.2, 1859.83, 1859.104, 1859.202, 1859.66  
Filed 03/14/06  
Effective 03/14/06  
Agency Contact: Robert Young (916) 445-0083

**STATE PERSONNEL BOARD**

Whistleblower Retaliation Complaint

This regulatory action revises provisions governing whistleblower retaliation complaints. The existing process involves an initial documentary review process after which the Executive Officer may recommend that the case be sent to a full evidentiary hearing. This regulatory action replaces the initial documentary review step with an informal hearing process. This regulatory action is submitted as exempt from the Administrative Procedure Act pursuant to section 18211 of the Government Code and is submitted to the Office of Administrative Law for filing with the Secretary of State and publication in the California Code of Regulations pursuant to section 18214 of the Government Code.

Title 2  
California Code of Regulations  
AMEND: 56, 56.1, 56.2, 56.3, 56.4, 56.5, 56.6, 56.7, 56.8  
Filed 03/08/06  
Effective 03/08/06  
Agency Contact:  
Elizabeth Montoya (916) 654-0842

**STATE WATER RESOURCES CONTROL BOARD**

TMDL for Toxic Pollutants in Marina del Rey Harbor

This amendment to the Water Quality Control Plan for the Los Angeles Region (Basin Plan) establishes a Total Maximum Daily Load (TMDL) to reduce toxic pollutants in Marina del Rey Harbor. The TMDL: (1) sets numeric targets for sediments based on Effects Range-Low sediment quality guidelines (ERLs) compiled by the National Oceanic and Atmospheric Administration; (2) sets numeric water quality and fish tissue targets based on standards established by the California Toxics Rule (CTR) for the protection of human health; (3) establishes a loading capacity to meet numeric targets for sediment based on the average annual total suspended solids loading to the harbor; and (4) allocates the loading capacities among point and nonpoint sources of toxic pollutants, with the majority of the capacity allocated to storm water sources.

Title 23  
California Code of Regulations  
ADOPT: 3939.21  
Filed 03/13/06  
Agency Contact: Glenda Marsh (916) 341-5558

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN OCTOBER 12, 2005 TO  
MARCH 15, 2006**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**

12/29/05 AMEND: 1038

**Title 2**

03/14/06 ADOPT: 1859.70.3, 1859.71.5, 1859.78.9, 1859.93.2, 1859.93.3  
AMEND: 1859.2, 1859.61, 1859.74, 1859.77.1, 1859.79, 1859.79.2, 1859.83, 1859.104, 1859.202, 1859.66

03/08/06 AMEND: 56, 56.1, 56.2, 56.3, 56.4, 56.5, 56.6, 56.7, 56.8

02/28/06 AMEND: 57.1, 57.2, 57.3, 57.4

02/21/06 ADOPT: 18371

02/21/06 REPEAL: 2550, 2551, 2552, 2553, 2554, 2555, 2556

02/21/06 AMEND: 2320(a) (2)

02/21/06 ADOPT: 18361.10

02/16/06 AMEND: Div. 8, Ch. 58, Sec. 54700



01/30/06 AMEND: Div. 8, Ch. 103, Sec. 59150  
 01/24/06 REPEAL: 649.23, 649.25, 649.26, 649.27  
 01/23/06 AMEND: 18351  
 01/20/06 AMEND: 1897  
 01/17/06 AMEND: Div. 8, Ch. 64, Sec. 55300  
 01/17/06 ADOPT: 560 REPEAL: 560  
 12/29/05 AMEND: 18329.5, 18701, 18751  
 12/21/05 AMEND: 599.960, 599.961  
 12/20/05 AMEND: 18700, 18707, 18708  
 12/12/05 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.37, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.75, 20108.80  
 11/16/05 AMEND: 1181  
 11/07/05 ADOPT: 1859.300, 1859.301, 1859.302, 1859.310, 1859.311, 1859.312, 1859.313, 1859.314, 1859.315, 1859.316, 1859.317, 1859.318, 1859.319, 1859.320, 1859.321, 1859.322, 1859.323, 1859.323.1, 1859.323.2, 1859.324, 1859.325, 1859.326, 1859.327, 1859.328,  
 11/07/05 AMEND: 20107  
 10/31/05 AMEND: 1859.2, 1859.81, 1866  
 10/27/05 AMEND: 1859.2, 1859.51, 1859.104.3, 1859.147, 1859.202, 1866, Form SAB 50-01  
 10/24/05 ADOPT: 1859.23 AMEND: 1859.2, 1859.122, 1859.123, 1859.123.1  
 10/18/05 ADOPT: 18732.5

**Title 3**

03/07/06 AMEND: 3700(c)  
 03/01/06 AMEND: 3406(b)  
 02/22/06 AMEND: 3406(b)  
 02/21/06 AMEND: 3433(b)  
 02/21/06 AMEND: 3700(c)  
 02/21/06 ADOPT: 3591.19(a)(b)(c) AMEND: 3591.19(a)  
 02/16/06 ADOPT: 3433  
 02/07/06 AMEND: 6502  
 02/02/06 AMEND: 3700(c)  
 01/12/06 AMEND: 6393, 6394, 6395, 6396  
 12/28/05 AMEND: 3406(b)  
 12/28/05 ADOPT: 6576, 6950  
 12/15/05 AMEND: 6400  
 12/13/05 AMEND: 3700(c)  
 12/01/05 AMEND: 3700(c)  
 11/23/05 AMEND: 3406(b)  
 10/25/05 AMEND: 3406(b)

10/24/05 AMEND: 3433(b)  
 10/20/05 AMEND: 3591.19(a)  
 10/19/05 AMEND: 3406(b)  
 10/18/05 ADOPT: 3591.18  
 10/17/05 AMEND: 3406(b)

**Title 4**

02/28/06 AMEND: 4143  
 01/25/06 ADOPT: 12002, 12004, Appendix A AMEND: 12100, 12200, 12220, 12300  
 01/20/06 ADOPT: 1843.6  
 01/09/06 ADOPT: 1902.5  
 01/09/06 ADOPT: 1690.1  
 12/29/05 AMEND: 8070, 8071, 8072, 8073, 8074, 8076  
 12/21/05 ADOPT: 12359  
 12/14/05 AMEND: 7075, 7082, 7084, 7092, 7093, 7094, 7098  
 12/05/05 AMEND: 1977  
 12/05/05 REPEAL: 1959.5, 1959.6, 1959.7, 1959.8, 1976.5, 1976.7  
 11/28/05 ADOPT: 7075, 7076, 7077, 7078, 7079, 7079, 7080, 7081, 7082, 7083, 7084, 7085, 7086, 7087, 7088, 7089, 7090, 7091, 7092, 7093, 7094, 7095, 7096, 7097, 7098, 7099 REPEAL: 7000, 7001, 7003, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7013.  
 11/28/05 ADOPT: 503, 512, 515, 516, 517, 518, 519, 523, 524 AMEND: 500, 501, 502, 510, 513, 514, 520, 552, 530, 531, 533 REPEAL: 521  
 11/23/05 AMEND: 4083  
 11/01/05 ADOPT: 10300, 10302, 10310, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10335, 10337  
 10/27/05 ADOPT: 7030, 7031, 7032, 7033, 7034, 7035, 7036, 7037, 7038, 7039, 7040, 7041, 7042, 7043, 7044, 7045, 7046, 7047, 7048, 7049, 7050 AMEND: 7047, 7048 REPEAL: 7049  
 10/27/05 ADOPT: 9001, 9005, 9006, 9007, 9025, 9027, 9050, 9051, 9052, 9053, 9054, 9055, 9056, 9057, 9058, 9059, 9060, 9061, 9062, 9063, 9064, 9065, 9066, 9067, 9068, 9069, 9070 AMEND: 9020, 9030, 9031, 9032, 9041, 9043  
 10/12/05 AMEND: 1433

**Title 5**

02/17/06 ADOPT: 19827 AMEND: 19814, 19814.1, 19851, 19853  
 01/19/06 ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6, 11987.7

12/30/05 AMEND: 58050, 58164, 58168, 58170, 58172  
 12/29/05 ADOPT: 4680, 4681, 4682, 4683, 4684, 4685, 4686, 4687 AMEND: 4600, 4610, 4611, 4620, 4621, 4622, 4630, 4631, 4632, 4633, 4640, 4650, 4651, 4660, 4662, 4663, 4664, 4665, 4670, 4910 REPEAL: 4661, 4671  
 12/12/05 ADOPT: 80033.2  
 12/07/05 AMEND: 43810  
 12/06/05 ADOPT: 11963.5 AMEND: 11704, 11963.2, 11963.3, 11963.4, 11963.5, 11963.6  
 11/17/05 AMEND: 41301 REPEAL: 41303, 41304  
 11/15/05 AMEND: 6111  
 11/10/05 AMEND: 19826.1  
 10/19/05 AMEND: 11900, 11905, 11915, 11920, 11925, 11930, 11935  
 10/14/05 ADOPT: 18092.5 AMEND: 18066, 18069, 18078, 18081, 18083, 18084, 18092, 18103, 18106, 18109, 18110  
 10/14/05 ADOPT: 18092.5 AMEND: 18066, 18069, 18078, 18081, 18083, 18084, 18092, 18103, 18106, 18109, 18110

**Title 8**

03/15/06 AMEND: 1710(f)  
 03/14/06 ADOPT: 9783.1 AMEND: 9780, 9780.1, 9781, 9782, 9783 REPEAL: 9780.2, 9784  
 02/28/06 AMEND: 1644  
 02/27/06 AMEND: 3637, 3638, 3639, 3640, 3642, 3646  
 02/22/06 ADOPT: 8397.14, 8397.15, 8397.16 AMEND: 8354, 8397.12  
 02/14/06 AMEND: 31100  
 02/09/06 ADOPT: 296.0 296.1, 2.96.2, 296.3, 296.4 AMEND: 290.1, 291.1, 291.2, 291.3, 291.4, 291.5, 292.0, 293.0, 295.0  
 02/09/06 AMEND: 15201, 15300, 15400, 15400.2, 15402.4, 15450.1, 15452, 15454, 15463  
 01/27/06 AMEND: 100, 102  
 01/27/06 AMEND: 1518  
 01/25/06 AMEND: 1635  
 12/20/05 AMEND: 3395  
 12/14/05 AMEND: 6632(f)  
 12/13/05 AMEND: 20299  
 12/05/05 AMEND: 4650  
 11/22/05 ADOPT: 13694  
 11/22/05 ADOPT: 13680, 13681, 13682, 13683, 13684, 13685, 13686, 13687, 13688, 13689, 13690, 13691, 13692, 13693

**Title 9**

01/23/06 AMEND: 3400  
 01/19/06 AMEND: 400  
 12/30/05 ADOPT: 3100, 3200.000, 3200.010, 3200.020, 3200.030, 3200.040, 3200.050, 3200.060, 3200.070, 3200.080, 3200.090, 3200.100, 3200.110, 3200.120, 3200.130, 3200.140, 3200.150, 3200.160, 3310, 3400, 3405, 3410, 3415

**Title 10**

03/09/06 AMEND: 2697.6  
 02/28/06 ADOPT: 2713, 2715.5, 2797, 2841.5, 3012.3 AMEND: 2716.5, 2770, 2791, 2792.32, 2795.1, 2846.1, 2846.5, 2846.7, 2849.01, 2930 REPEAL: 2708, 2709, 2821, 2822  
 02/27/06 AMEND: 2632.5 (c) (1) (A)  
 02/09/06 AMEND: 2699.6600  
 01/31/06 ADOPT: 310.100.4, 310.114.4 AMEND 310.101  
 01/25/06 ADOPT: 2025, 2026, 2027, 2028, 2029, 2030  
 01/23/06 AMEND: 2698.99  
 01/23/06 ADOPT: 2592, 2592.01, 2592.02, 2592.03, 2592.04, 2592.05, 2592.06, 2592.07, 2592.08, 2592.09, 2592.10, 2592.11, 2592.12, 2592.13, 2592.14  
 01/20/06 AMEND: 2498.6  
 12/28/05 AMEND: 2498.5  
 12/13/05 AMEND: 2312, 2312.5, 2315  
 11/23/05 AMEND: 260.210, 260.211, 1726, 1950.122, 2020  
 11/16/05 AMEND: 2699.6600, 2699.6809  
 11/15/05 AMEND: 2690.1  
 11/03/05 ADOPT: 2698.95.1, 2698.95.11, 2698.95.12, 2698.96, 2698.97, 9698.97.1, 2698.98, 2698.98.1 AMEND: 2698.95  
 10/20/05 AMEND: 2318.6, 2353.1, 2354

**Title 11**

03/15/06 AMEND: 351, 357, 371, 376, 377, 378, 380  
 02/22/06 AMEND: 51.19  
 02/09/06 AMEND: 1001, 1015 REPEAL: 1020, 1021  
 01/31/06 ADOPT: 64.2  
 01/19/06 AMEND: 1005  
 01/11/06 ADOPT: 116.2  
 01/09/06 AMEND: 999.1, 999.2, 999.3, 999.4  
 12/22/05 AMEND: 1005, 1007, 1008, D-1, D-10, D-14  
 12/15/05 AMEND: 51.12

12/01/05 ADOPT: 116.1  
 11/22/05 ADOPT: 49.17  
 10/24/05 AMEND: 1070, 1081, 1082

**Title 13**

02/22/06 ADOPT: 225.35 AMEND: 225.03, 225.09, 225.12, 225.18, 225.21, 225.42, 225.45, 225.48, 225.51, 225.54, 225.72  
 02/22/06 AMEND: 345.39, 345.45, 345.56, 345.78  
 02/15/06 ADOPT: 1971.1  
 02/14/06 ADOPT: 152.00, 190.03, 268.10, 268.12, 280.12, 285.06, 292.06, 340.13 AMEND: 330.08, 345.65 REPEAL: 330.10, 345.67  
 01/31/06 ADOPT: 2023, 2023.1, 2023.2, 2023.3, 2023.4 AMEND: 1956.1, 2020, 1021 REPEAL: 1956.2, 1956.3, 1950.4  
 01/30/06 AMEND: 77.05, 77.10, 77.15, 77.16, 77.17  
 01/18/06 AMEND: 553.70  
 01/13/06 AMEND: 2467, 2467.1  
 01/12/06 ADOPT: 1875  
 01/12/06 AMEND: 970  
 12/16/05 ADOPT: 253.02 AMEND: 345.16  
 12/07/05 ADOPT: 2425.1 AMEND: 2420, 2421, 2423, 2425, 2426, 2427, Incorporated Test Procedures  
 12/05/05 AMEND: 425.01  
 11/08/05 AMEND: 550, 551.11, 551.12  
 10/27/05 AMEND: 2453, 2455  
 10/18/05 AMEND: 28.18, 28.19, 28.20, 28.21, 28.22, 28.23

**Title 14**

03/02/06 ADOPT: 1.60, 1.61, 1.93 AMEND: 1.71  
 03/01/06 AMEND: 851.23  
 02/23/06 AMEND: 2000, 2090, 2105, 2110, 2401, 2420, 2425, 2430, 2501, 2530, 2535, 2540, 2850  
 02/10/06 AMEND: 895, 895.1, 1038, 1038(f)  
 02/09/06 ADOPT: 18459.1.2, Forms 203, 204 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18457, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 18462, 18463, 18464, 18466, Penalty Tables 1&2  
 02/08/06 AMEND: 2310  
 12/22/05 AMEND: 11900  
 12/19/05 ADOPT: 163.1 AMEND: 163, 164  
 12/06/05 ADOPT: 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20,

4970.21 AMEND: 4970.00, 4970.01  
 REPEAL: 4970.02, 4970.03, 4970.04, 4970.05

12/02/05 AMEND: 18660.5, 18660.6, 18660.10, 18660.20, 18660.21, 18660.22, 18660.36, 18660.37  
 11/30/05 ADOPT: 957.11, 957.12 AMEND: 957  
 11/16/05 AMEND: 913.2 [933.2, 953.2], 913.11 [933.11, 953.11]  
 11/09/05 ADOPT: 1038(i) AMEND: 1038.2, 1038(e)  
 11/02/05 AMEND: 632  
 11/01/05 ADOPT: 2.45, 251.9  
 10/31/05 AMEND: 180.1  
 10/26/05 AMEND: 2516  
 10/25/05 AMEND: 11900  
 10/24/05 AMEND: 1251, 1252, 1252.1, 1253, 1254, 1256, 1257  
 10/18/05 ADOPT: 17939.1, 17939.2, 17939.3, 17939.4, 17939.5 AMEND: 17930, 17931, 17932, 17933, 17934, 17934.1, 17934.3, 17934.5, 17935, 17935.1, 17935.2, 17935.3, 17935.4, 17935.5, 17935.55, 17935.6, 17936  
 10/13/05 AMEND: 699.5  
 10/13/05 AMEND: 895, 895.1, 1038, 1038(f)  
 10/12/05 ADOPT: 18459.1.2 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 19462, 18463, 18464, 18466

**Title 15**

01/25/06 AMEND: 3482  
 01/19/06 AMEND: 3370  
 01/17/06 AMEND: 3000, 3062, 3075, 3210  
 12/15/05 AMEND: 3335  
 12/05/05 AMEND: 3173.1  
 11/21/05 ADOPT: 3999.2  
 11/01/05 AMEND: 3287

**Title 16**

03/14/06 REPEAL: 1530  
 03/13/06 REPEAL: 1515  
 03/13/06 ADOPT: 1034.1 AMEND: 1021, 1028, 1034  
 03/13/06 ADOPT: 1399.25  
 03/10/06 AMEND: 1566, 1566.1  
 03/09/06 AMEND: 3351.3 and 3351.4  
 03/02/06 ADOPT: 2524.1, 2579.11  
 02/27/06 AMEND: 1043, 1043.1, 1043.2, 1043.3, 1043.4, 1043.6  
 02/24/06 AMEND: 3008, 3031, 3062.1  
 02/21/06 AMEND: 1833.1, 1870, 1870.1  
 02/07/06 ADOPT: 1379.19

01/12/06 AMEND: 1313.01  
 01/05/06 AMEND: 1399.710  
 12/30/05 AMEND: 119.6, 120  
 12/30/05 AMEND: 1820, 1970.4, 1991, 1996  
 12/27/05 AMEND: 3005  
 12/15/05 ADOPT: 1399.454 AMEND: 1399.434,  
 1399.436, 1399.450, 1399.451  
 12/13/05 AMEND: 3005  
 12/12/05 ADOPT: 26, 27, 28, 29, 30, 31, 32, 33, 34,  
 35, 35.1 AMEND: 70, 98  
 12/02/05 ADOPT: 3067  
 11/30/05 AMEND: 2542, 2542.1, 2547, 2547.1  
 11/29/05 AMEND: 1397.61(f)  
 11/21/05 AMEND: 1397.61(a)  
 11/18/05 AMEND: 1364.11  
 11/15/05 AMEND: 69, 75.5, 87.5, 89, 89.1, 95,  
 95.2, 95.3, 95.4  
 10/24/05 AMEND: 1399.50, 1399.52  
 10/20/05 AMEND: 1922.3  
 10/20/05 AMEND: 1870, 1870.1, 1874  
 10/18/05 AMEND: 1807.2, 1833, 1833.1, 1833.2,  
 1887.4, 1889, 1889.1, 1889.3

**Title 17**

12/29/05 ADOPT: 30105  
 11/10/05 AMEND: 54355, 56002, 56040  
 10/18/05 ADOPT: 30194.1, 30194.2 AMEND:  
 30100, 30145, 30145.1, 30225, 30230,  
 30231, 30408, 30535 REPEAL: 30232

**Title 18**

02/09/06 AMEND: 4055, 4056, 4057, 4058, 4059,  
 4060, 4061  
 01/10/06 AMEND: 1S84  
 12/29/05 AMEND: 1620  
 12/27/05 ADOPT: 1823.4  
 12/09/05 ADOPT: 25106.5-11

**Title 20**

01/12/06 AMEND: 79, 80  
 01/03/06 ADOPT: 1362, 1363.1, 1363.2, 1365.1,  
 Appendix C AMEND: 1364, 1366,  
 1368.1, 1369, 1370, Appendix A,  
 Appendix B REPEAL: 1363, 1365, 1368,  
 1368.5  
 12/30/05 AMEND: 1601, 1602, 1603, 1604,  
 1605.1, 1605.2, 1605.3, 1606, 1607,  
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03/09/06 ADOPT: 12900  
 03/07/06 AMEND: 100058, 100066, 100078,  
 100079  
 02/02/06 AMEND: 97170, 97172, 97174, 97178,  
 97180, 97184, 97188, 97190, 97198  
 01/31/06 ADOPT: 66250.1, 66250.2

01/23/06 AMEND: 51510, 51510.1, 51511,  
 51511.5, 51511.6, 51535, 51535.1,  
 51544, 54501  
 01/20/06 AMEND: 4448  
 01/17/06 AMEND: 14000  
 01/17/06 AMEND: 12000  
 12/30/05 ADOPT: 67384.1, 67384.2, 67384.3,  
 67384.4, 67384.5, 67384.6, 67384.7,  
 67384.8, 67384.9, 67384.10, 67384.11  
 12/27/05 ADOPT: 66262.44 AMEND: 66261.111,  
 66262.10  
 12/19/05 ADOPT: 66264.151 AMEND:  
 66264.115, 66264.120, 66264.143,  
 66264.145, 66264.147, 66265.115,  
 66265.120, 66265.143, 66265.145,  
 66265.147, 67450.13, 67450.30,  
 67450.49  
 11/10/05 ADOPT: 51000.6.1, 51000.10.1,  
 51000.15.1, 51000.20.1, 51000.24.1,  
 5100.25.1, 51000.25.2, 51000.31,  
 51000.32, 51000.51, 51000.52,  
 51000.53, 51000.55, 51000.60, 51051  
 AMEND: 51000.1, 51000.1.1, 51000.3,  
 51000.4, 51000.6, 51000.7, 51000.16,  
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03/13/06 ADOPT: 3939.21  
 02/01/06 ADOPT: 3989.3  
 01/20/06 ADOPT: 3939.17  
 12/27/05 ADOPT: 3939.16  
 12/20/05 ADOPT: 3957  
 12/15/05 ADOPT: 3939.18  
 12/09/05 ADOPT: 3939.19  
 12/09/05 ADOPT: 3939.20  
 12/02/05 ADOPT: 3989.2  
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 11/28/05 ADOPT: 2814.20, 2814.21, 2814.22,  
 2814.23, 2814.24, 2814.25, 2814.26,  
 2814.27, 2814.28, 2814.29, 2814.30,  
 2814.31, 2814.32, 2814.33, 2814.34,  
 2814.35, 2814.36, 2814.37  
 10/21/05 AMEND: 1062, 1063, 1064, 1065, 1066,  
 1067, 1071, 1077, 3833.1 REPEAL: 793  
 10/13/05 ADOPT: 2200.6 AMEND: 2200  
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02/07/06 AMEND: 1001  
 12/19/05 ADOPT: 11101, 13302 AMEND: 19200,  
 19201, 19202, 19203, 19204, 19205,  
 19206, 19207, 19300, 19301, 19400  
 12/07/05 AMEND: 1338.1 REPEAL: 1433.1  
 11/07/05 AMEND: 5002, 5020, 5021, 5340, 5348



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01/13/06 ADOPT: 15241, 15242  
 11/17/05 AMEND: 21685

63-402.229, 63—503.441, 63-509(b),  
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01/23/06 AMEND: 42-101

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12/14/05 AMEND: 1300.75.4

01/12/06 AMEND: 11-400, 11-402, 11-403, and  
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02/10/06 AMEND: 63-103.2, 63-300.5,